

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**NINO MARTINENKO, on behalf of
herself and others similarly situated,**

CASE NO. 22 CV 518 (JLR)

Plaintiff,

v.

**212 STEAKHOUSE, INC., and
NIKOLAY VOLPER,**

Defendants.
-----X

~~Proposed~~ **JUDGMENT**

It is hereby **ORDERED, ADJUDGED, AND DECREED**, that the Clerk of Court shall enter judgment as follows:

1. Pursuant to the Court's Opinion and Order dated September 24, 2024, judgment shall be entered against Defendants 212 Steakhouse, Inc. and Nikolay Volper, jointly and severally, and in favor of the class in the total amount of \$251,269.84 as follows: i. The class is awarded unpaid minimum wages under the NYLL without a tip credit allowance in the total amount of \$96,608.35; ii. The class is awarded unpaid overtime wages under the NYLL without a tip credit allowance in the total amount of \$2,530.75; iii. The class is awarded unpaid spread-of-hours premiums under the NYLL where applicable in the total amount of \$2,388; iv. The class is awarded liquidated damages under the NYLL in the total amount of \$101,527.10; v. Prejudgment interest is awarded from June 18, 2019 to September 25, 2024, at a rate of 9% on the total unpaid wages of \$101,527.10 in the amount of \$48,215.64. The judgment of \$251,269.84 shall be allocated among the Class Members as set forth in Exhibit A to this Judgment.

2. If the judgment is not entirely paid within 90 days of judgment, or 90 days after the expiration of time to appeal and no appeal is then pending, whichever is later, the total amount of

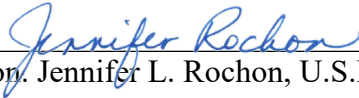
judgment shall automatically increase by 15 percent. The Court also awards post-judgment interest pursuant to 28 U.S.C. § 1961.

3. For the reasons stated in the Court's Opinion and Order dated September 24, 2024, Plaintiff Huk's NYLL Section 195 wage notice and statement claims are dismissed without prejudice for lack of standing.

4. The Court grants Plaintiffs' request to dismiss Plaintiff Martinenko's and all remaining class members' NYLL Section 195 wage notice and statement claims without prejudice.

The Clerk of Court is respectfully requested to close the case.

Dated: November 14, 2024
New York, New York

By: 
Hon. Jennifer L. Rochon, U.S.D.J.

Class Member	Share of judgment
Angel Hernandez	\$13,941.55
Benny Torres	\$150.87
Charles Gabriel	\$3,214.97
Cora Bethea	\$4,989.41
Dagmara Huk	\$20,651.32
Damian Zabrodin	\$3,396.33
Danny Birlandeau	\$4,613.97
Gisely Rosa	\$536.31
Haley Melendez	\$1,321.35
Hector Conoz	\$7,987.01
Iroel Vazquez	\$1,343.39
Jake Willis	\$2,515.20
Jamie Tovar	\$10,448.24
Jose Garcia	\$64.59
Jose Pena	\$528.98
Juan Aguilar	\$11,342.60
Juan Deluna	\$3,731.74
Kelsey Foley	\$6,081.58
Keya Rocaverte	\$608.35
Lytchez Lazarov	\$28,566.20
Mark Smith	\$10,509.59
Michelle Marquez	\$456.73
Miguel Torress	\$7,489.40
Nino Martinenko	\$54,149.63
Noel Lora	\$19,862.55
Radzivon Babaniyazav	\$8,126.97
Raul Romero	\$3,827.93
Shonda Williams	\$220.03
Stefana Marzano	\$4,327.97
Tela Wittig	\$3,344.59
Tristian Collazzo	\$9,935.74
Vivian Peng	\$2,984.75
Total:	\$251,269.84